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Dated: September 11, 1995.

June Gibbs Brown,

Inspector General, Department of Health and Human Services; and Vice Chair, PCIE.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-36228; PA-19; File No. S7-27-95]

Privacy Act of 1974; Establishment of New System of Records, Telephone Call Detail Records (SEC-39)

AGENCY: Securities and Exchange Commission.

ACTION: Notification of the establishment of a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Securities and Exchange Commission (Commission) gives notice of a new Privacy Act system of records, Telephone Call Detail Records (SEC-39).

DATES: Comments on the establishment of the new system of records must be received no later than October 20, 1995. The new system of records will be effective October 30, 1995, unless the Commission receives comments which would result in a contrary determination.

ADDRESSES: Persons wishing to submit comments should file three copies thereof with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Reference should be made to File No. S7-27-95. Copies of the submission and all written comments will be available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Hannah R. Hall, Privacy Act Officer,

Tel. (202) 942-4320, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549

SUPPLEMENTARY INFORMATION: This report is to give notice of the establishment of a new system of records entitled Telephone Call Detail Records—SEC-39, which is subject to the Privacy Act of 1974, 5 U.S.C. 552a.

The Commission is establishing the Telephone Call Detail Records system to enhance its ability to assess employee use of the telephone systems provided by the Commission (i.e. Private Automated Branch Exchange (PABX) telephone system installed at the Headquarters Building in Washington, DC, and the Operations Center and the Operations Center Annex in Alexandria, Virginia, and the Federal Telecommunications System (FTS) throughout the entire Commission), and to assist investigations into possible employee and contractor misconduct. Since parts of this system may be used to retrieve information about an individual through the telephone number that has been assigned to that individual, the Privacy Act of 1974, as amended, requires a general notice of the existence of this system of records to the public. The information may be used for telecommunication traffic studies, cost projections or other management studies and to enable the Commission to determine responsibility for placement of specific calls in connection with inquiries into possible employee or contractor misconduct, including misuse of Government-provided telephones. The records generated by the telephone system used by the Commissions's Headquarters Building, the Operations Center and the Operations Center Annex may identify the numbers called from a particular extension, calls made from or received at a particular extension, the date and time of the call and the length of the call. This system may also contain telephone assignment records, records reflecting the location of government telephones and requests for information

concerning calls made to or from particular extensions.

The new system of records report, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Oversight and Reform of the U.S. House of Representatives, the Committee on Government Affairs of the U.S. Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated July 15, 1994.

Accordingly, the Commission is giving notice of the establishment the following system of records, entitled Telephone Call Detail Records:

SEC-39

SYSTEM NAME:

Telephone Call Detail Records.

SYSTEM LOCATION:

Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on individuals (generally Commission employees and contractor personnel) who make local and/or long distance calls and individuals who receive telephone calls placed from Commission telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the use of Commission telephones to place or receive local and/or long distance calls, whether through the Private Automated Branch Exchange (PABX) telephone system, the Federal Telecommunications System (FTS), commercial systems, or similar systems; records indicating assignment of telephone numbers to employees; and records relating to requests for telephone call detail information (specifically, it includes the telephone number that is assigned to an individual, the telephone number called

for all outgoing calls, the date and time of the call and the length of the call).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 78d; 15 U.S.C. 78w; 5 U.S.C. 301; and 41 CFR subpart 201-21.6.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records and data may be disclosed as necessary (1) to employees of the Office of Inspector General in connection with investigations of employee or contractor misconduct; (2) to employees or contractors of the Commission to determine individual responsibility for telephone calls; (3) to representatives of the General Services Administration or the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906; (4) in response to a request for discovery or for the appearance of a witness, to the extent that what is disclosed is relevant to the subject matter involved in a pending judicial or administrative proceeding; (5) in a proceeding before a court or adjudicative body to the extent that they are relevant and necessary to the proceeding; (6) in the event that material in this system indicates a violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be disclosed to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto; (7) to a telecommunications company providing telecommunications support to permit servicing the account; (8) to agency management in connection with employees suspected of misuse of Government-provided telephones that might result in the initiation of disciplinary action; and (9) to agency personnel for use in obtaining a sample of callers for follow-up surveys to assess customer service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:

STORAGE:

Records are maintained on computer diskettes, electronic media, and/or hard copy media.

RETRIEVABILITY:

Records are retrievable by a Commission telephone number that is

assigned to an individual, by the telephone number called for all outgoing calls, by the date and time of the call, and by the length of the call.

SAFEGUARDS:

Records are safeguarded through the use of appropriate computer passwords to restrict access. In addition, floppy disks are kept in a locked room which may only be entered with a pass key.

RETENTION AND DISPOSAL:

Records are retained on-site for three (3) years. Thereafter, records will be transferred in accordance with National Archives and Records Administration General Records Schedule 12.

SYSTEM MANAGER AND ADDRESS:

Voice Communications Manager, Facilities Branch, Office of Administrative and Personnel Management, Securities and Exchange Commission, Room 2C05, 450 Fifth Street, NW, Washington, DC 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the Privacy Act Officer, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the Privacy Act Officer, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549.

RECORD SOURCE CATEGORIES:

Telephone directory, call detail listing, and requests for call detail information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: September 14, 1995.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

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[Release No. 34-36225; File No. SR-Amex-95-29]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by American Stock Exchange, Inc., Relating to Debt Listing Standards

September 13, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on July 19, 1995, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend Exchange Rule 703 and Sections 104, 216, 330 and 1003 of the Amex Company Guide.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In light of recent rule changes adopted by the Commission,¹ as well as significant rule changes implemented by the New York Stock Exchange

¹ Recently, the Commission took action to make it easier for exchanges to list debt securities, removing restrictions that existed for listed debt securities but not for over-the-counter traded debt securities. Among other things, the Commission made inapplicable to listed debt certain Commission borrowing restrictions and proxy rules, none of which are applicable to unlisted debt. See Securities Exchange Act Release No. 34922 (November 1, 1994), 59 FR 55342 (November 7, 1994).